

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL HILL and KAREN PITTMAN,

Plaintiffs,

v.

THOMAS LOUGHREN,

Defendant.

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DECISION & ORDER

18-CV-6022EAW

Plaintiffs Michael Hill and Karen Pittman, acting *pro se*, filed a complaint asserting claims under 42 U.S.C. § 1983 against defendant Thomas Loughren, Commissioner of the New York State Commission of Correction. (Docket ## 16, 22). Hill has another matter pending in the Western District of New York. *See Hill v. Annucci*, 21-CV-6373. In that matter, he filed a letter that appears to request permission to file documents electronically on the Court's electronic filing system. (*See* 21-CV-6373, Docket # 49). That letter contained a reference to this case and appears to request leave to file electronically in this matter as well. (Docket # 195).

Rule 5 of the Federal Rules of Civil Procedure provides that a *pro se* litigant "may file electronically only if allowed by court order or by local rule." Fed. R. Civ. P. 5(d)(3)(B)(i). The Local Rules of Civil Procedure incorporate by reference the Court's CM/ECF Administrative Procedures Guide ("the Guide"), which in turn sets forth the requirements and procedures for electronic filing. *See* W.D.N.Y. Local Rule 5.1(a). The Guide allows the Court in its discretion to "grant a *pro se* litigant who demonstrates a willingness and capability to file documents electronically, permission to register to do so." W.D.N.Y. Administrative Procedures Guide for Electronic Filing, Administrative Procedures.

To the extent Hill's submission may be interpreted as a request for permission to file electronically in this case, the Court declines to exercise its discretion to allow him to do so. In his motion, Hill has not provided any reason why he seeks permission to file electronically, and review of the docket suggests that Hill has had no difficulty filing letters and motions with the Court by mailing or presenting them to the Clerk's Office. "Because [Hill] has not provided a persuasive reason for the Court to grant his motion for permission to use the electronic filing system, [Hill's] motion is denied without prejudice." *See Zuccarino v. Town of Hector*, 2020 WL 2319870, \*1 (W.D.N.Y. 2020).

### **CONCLUSION**

For the reasons discussed above, Hill's motion for permission to electronically file documents on the Court's electronic filing system (**Docket # 195**) is **DENIED without prejudice**.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

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MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
November 21, 2023